

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DAVID YOUNG,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-00761-JPH-TAB
)	
MARK SEVIER, <i>et al.</i>)	
)	
Defendants.)	

**ORDER DENYING MOTIONS FOR LEAVE TO PROCEED
IN FORMA PAUPERIS, NOTIFYING PLAINTIFF OF THREE
"STRIKES," AND DIRECTING FURTHER PROCEEDINGS**

As a prisoner at New Castle Correctional Facility, Plaintiff David Young's motions for leave to proceed *in forma pauperis* are governed by 28 U.S.C. § 1915(g). "In no event shall a prisoner bring a civil action" *in forma pauperis* if he has, "on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted." *Id.* An exception applies if the plaintiff "is under imminent danger of serious physical injury." *Id.*

Mr. Young has accumulated at least three "strikes" for purposes of § 1915(g) and is therefore ineligible to proceed *in forma pauperis*. Pursuant to *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), the Court notifies Mr. Young that it has relied on the following cases in finding that he has struck out:

- *Jewish v. New Castle Corr. Facility Staff*, No. 1:19-02266-SEB-MJD (S.D. Ind. Sept. 5, 2019) (dismissing action for failure to state a claim upon which relief may be granted).
- *Young v. Trump, et al.*, No. 1:20-0624-SEB-TAB (S.D. Ind. Mar. 18, 2020) (dismissing action for failure to state a claim upon which relief may be granted).

- *Young v. Dr. Pepper, et al.*, No. 1:20-cv-00911-TWP-DML (S.D. Ind. Apr. 27, 2020) (dismissing action as frivolous).

Having accumulated three strikes, Mr. Young may not proceed without prepaying the filing fee unless he is under imminent danger of serious physical injury. Mr. Young has not attempted to show an imminent danger of serious physical injury in either of his motions for leave to proceed *in forma pauperis*.

Accordingly, Mr. Young's motions for leave to proceed *in forma pauperis*, dks. [2] and [5], are **DENIED**. Mr. Young shall have **through June 5, 2020**, to pay the \$400 filing fee for this action. Failure to do so in the time provided may result in the dismissal of this action without further warning or opportunity to show cause.

SO ORDERED.

Date: 5/7/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

DAVID YOUNG
27-0347
NEW CASTLE - CF
NEW CASTLE CORRECTIONAL FACILITY - Inmate Mail/Parcels
1000 Van Nuys Road
NEW CASTLE, IN 47362